

REMARKS***Summary of the Amendment***

Upon entry of the above amendment, claims 18, 34, 39, and 44 will have been amended and claims 1, 2, 4 – 6, 8, and 10 – 17 will have been canceled without prejudice or disclaimer. Moreover, Applicants expressly reserve the right to refile the subject matter of these canceled claims in one or more continuing applications. Accordingly, claims 18 – 20, 22, 23, 25 – 31, and 34 – 38 are currently pending.

Summary of the Office Action

In the instant Office Action dated June 27, 2006 (hereinafter "Office Action"), the Examiner has objected to claim 38 based upon an informality and rejected claims 1, 2, 4 – 6, 8, 10 – 20, 22, 23, 25 – 31, and 34 – 48 over the art of record. By the present amendment and remarks, Applicants submit that the objections and rejections have been overcome, and respectfully request reconsideration of the Office Action and allowance of the present application.

Amendment Fully Supported by the Original Disclosure

The above amendment does not add new matter to the application and is fully supported by the original disclosure. In particular, the amendment to independent claims 18 and 34 finds support in the claims as originally filed and at paragraph [0054] of the specification. Accordingly, Applicants respectfully request reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

Objection to Claims is Moot

Applicants submit that the objection to claim 38 is moot in view of the instant amendment to claim 39. In particular, Applicants note that claim 39, not claim 38, includes the objected to language “10”. In any event, by this amendment, claim 39 has been amended to delete the objected to language “10”.

Accordingly, Applicants request that the Examiner confirm the claims are in proper form.

Traversal of Rejection Under 35 U.S.C. § 102(b)***1. Over Feller***

Applicants traverse the rejection of claims 1, 2, 4 – 6, 12, 18 – 20, 22, 25 – 31, and 34 – 48 under 35 U.S.C. § 102(b) as being anticipated by FELLER et al. (U.S. Patent No. 6,065,402) [hereinafter “FELLER”]. The Examiner asserts FELLER shows all of the features of the invention. Applicants traverse the Examiner’s assertions.

While Applicants do not agree that the instant invention is anticipated by FELLER, in order to advance prosecution, claims 1, 2, 4 – 6, 8, and 10 – 17 have been canceled. Accordingly, the rejection of claims 1, 2, 4 – 6 and 12 is moot.

With respect to claims 18 – 20, 22, 25 – 31, and 34 – 48, Applicants respectfully submit that FELLER does not show each and every feature of the claims as amended herein. More particularly, FELLER does not disclose that the printing mechanism includes *an ink nozzle that applies printing ink between a distribution roller and a distribution cylinder*, as recited in independent claims 18 and 34. Moreover, FELLER does not disclose *cooling the printing mechanism with the cooling element when the temperature of*

the printing mechanism exceeds a predetermined temperature, as recited in independent claims 18 and 34. Therefore, as FELLER does not disclose each and every feature of the claims, this document cannot anticipate the invention.

Regarding the ink nozzle that applies printing ink between a distribution roller and a distribution cylinder, Applicants note that, in paragraph 18 of the Office Action, the Examiner admits that FELLER does not teach an ink nozzle. Applicants agree that FELLER does not disclose an ink nozzle, and assert that FELLER, instead, shows only a cup roller 4 and an application roller 11. Therefore, FELLER does not disclose an ink nozzle that applies printing ink between a distribution roller and a distribution cylinder, which is recited in independent claims 18 and 34.

Moreover, FELLER does not disclose *cooling the printing mechanism with the cooling element when the temperature of the printing mechanism exceeds a predetermined temperature* as recited in independent claims 18 and 34. To the contrary, FELLER makes no mention whatsoever of a predetermined temperature, much less of cooling the printing mechanism with the cooling element when the temperature of the printing mechanism exceeds a predetermined temperature.

Because FELLER fails to disclose at least the above-noted features of at least independent claims 18, and 34, Applicants submit that the applied art fails to show each and every recited feature of the present invention.

Further, Applicants submit that claims 19, 20, 22, 25 – 31, and 35 – 48 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. Moreover, Applicants submit that, as the above-noted claims recite additional features of the invention not disclosed by FELLER, these further claims are separately patentable over the art of

record.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 18 – 20, 22, 25 – 31, and 34 – 48 under 35 U.S.C. §102(b) and indicate that these claims are allowable.

2. Over Voge

Claims 1, 2, 8, and 10 – 14 were rejected under 35 U.S.C. §102(e) as being unpatentable over VOGÉ (U.S. Patent No. 6,516,721).

While Applicants do not agree that the instant invention is anticipated by VOGÉ, in order to advance prosecution, claims 1, 2, 4 – 6, 8, and 10 – 17 have been canceled. Accordingly, the rejection of claims 1, 2, 8, and 10 – 14 is moot.

Traversal of Rejections 35 U.S.C. § 103(a)

1. Over Blau in view of Voge

Claims 1 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over BLAU et al (U.S. Patent Application Publication No. 2001/ 0013289 A1) [hereafter “BLAU”] in view of VOGÉ.

While Applicants do not agree that the instant invention is obvious in view of BLAU and VOGÉ, in order to advance prosecution, claims 1, 2, 4 – 6, 8, and 10 – 17 have been canceled. Accordingly, the rejection of claims 1 and 16 is moot.

2. Over VOGÉ in view of GARNER

Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over VOGÉ in view of GARNER et al. (U.S. 5,611,278) [hereafter “GARNER”].

While Applicants do not agree that the instant invention is obvious in view of VOGÉ and GARNER, in order to advance prosecution, claims 1, 2, 4 – 6, 8, and 10 – 17 have

been canceled. Accordingly, the rejection of claim 15 is moot.

3. Over VOGÉ in view of DILLIG

Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over VOGÉ in view of DILLIG, Jr. et al. (U.S. Patent No. 5,810,927) [hereinafter "DILLIG"].

While Applicants do not agree that the instant invention is obvious in view of VOGÉ and DILLIG, in order to advance prosecution, claims 1, 2, 4 – 6, 8, and 10 – 17 have been canceled. Accordingly, the rejection of claim 17 is moot.

4. Over FELLER in view of VOGÉ

Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over FELLER in view of VOGÉ. Applicants respectfully traverse this rejection.

Applicants submit that no proper combination of FELLER and VOGÉ teaches or suggests all of the features of claim 23, which depends from independent claim 18. As discussed above, FELLER does not teach or suggest that the printing mechanism includes *an ink nozzle that applies printing ink between a distribution roller and a distribution cylinder, and cooling the printing mechanism with the cooling element when the temperature of the printing mechanism exceeds a predetermined temperature*, as recited in independent claim 18. VOGÉ does not cure the deficiencies of FELLER with respect to independent claim 18.

Instead, as discussed in the previous response, VOGÉ shows a printing machine having a conveying method including a compressed air tank 60, inlet line 66, and pre-heater 70 in communication with valve 34 and nozzle 36, which sprays ink onto drum 38. See Figure 4 and Col. 8 – 39. Moreover, Applicants note VOGÉ discloses that a piezoelectric valve 34 includes a heater (which is not shown in the figures) in order to maintain the valve at the same temperature "so that the printing ink therein does not cool

down.” See Col. 8, lines 17 – 20. However, VOGÉ only teaches that the nozzle 36 sprays ink onto the drum 38, and does not teach or suggest spraying ink between a distribution roller and an application roller. Moreover, while VOGÉ teaches heating the ink to a predetermined temperature, VOGÉ makes no mention of cooling the printing mechanism with the cooling element when the temperature of the printing mechanism exceeds a predetermined temperature. Therefore, no proper combination of FELLER and VOGÉ teaches or suggests a printing mechanism that includes *an ink nozzle that applies printing ink between a distribution roller and a distribution cylinder, and cooling the printing mechanism with the cooling element when the temperature of the printing mechanism exceeds a predetermined temperature*, as recited in independent claim 18, from which claim 23 depends.

Moreover, Applicants submit that claim 23 recites additional features of the invention not taught or suggested by FELLER and VOGÉ. More particularly, neither FELLER and VOGÉ teaches or suggests *at least one heating element comprises a heating cartridge*, a recited in claim 23.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claim 23 under 35 U.S.C. §103(a) and indicate that this claim is allowable.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §102 and §103, and respectfully requests the Examiner to indicate allowance of each and every pending claim of the present invention.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious Applicants' invention, as recited in each of claims 18 – 20, 22, 23, 25 – 31, and 34 – 48. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully submitted,
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